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THE SHERWIN-WILLIAMS COMPANY
JAMES MARTIN WINTERS, JR.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DOUGLAS WAYNE SEGUIN, an individual,

Plaintiff,

v.

JAMES MARTIN WINTERS, JR., an individual; THE SHERWIN-WILLIAMS COMPANY d/b/a SHERWIN WILLIAMS COMPANY a/k/a SHERWIN WILLIAMS; a foreign corporation; EAN HOLDINGS, LLC, a foreign limited-liability company; ENTERPRISE LEASING COMPANY WEST, LLC d/b/a ENTERPRISE RENT-A-CAR, a foreign limited-liability company; DOE INDIVIDUALS I through X, Inclusive; and ROE ENTITIES I through X, Inclusive,

Defendants.

Case No.: 2:24-cv-01713-APG-EJY

**STIPULATION AND ORDER TO
CONTINUE DEADLINES**

(FIRST REQUEST)

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff DOUGLAS WAYNE SEGUIN by and through his attorneys of record, VALIENTE MOTT, LTD.; Defendants JAMES MARTIN WINTERS, JR. and THE SHERWIN-WILLIAMS COMPANY d/b/a SHERWIN WILLIAMS COMPANY a/k/a SHERWIN WILLIAMS (“SHERWIN WILLIAMS”), by and through their attorneys of record, BROWN GREEN LLC; and Defendants EAN HOLDINGS, LLC and ENTERPRISE LEASING COMPANY WEST, LLC d/b/a ENTERPRISE RENT-A-CAR (“ENTERPRISE Defendants”), by and through their attorneys BREMER WHYTE BROWN &

1 O'MEARA, LLP, that the parties would benefit from a 90-day extension of the deadlines in the
2 current Scheduling Order so as to explore settlement with the Bankruptcy Trustee and collect
3 additional medical records recently identified. In support of this stipulation, the parties further state:

4 **I. FACTUAL BACKGROUND**

5 This is a personal injury lawsuit wherein the Plaintiff seeks to recover damages for injuries
6 allegedly aggravated by an automobile collision that occurred on January 19, 2023, in the parking
7 lot of Dunkin' Donuts located near the intersection of Paradise Road and E. Harmon Avenue in
8 Las Vegas, Nevada. Plaintiff was parked in a parking spot when Defendant Winters allegedly
9 backed into the rear of Plaintiff's parked vehicle. The vehicle operated by Defendant Winters was
10 a vehicle rented under The Sherwin Williams Company's (Defendant Sherwin Williams) account
11 through Defendant EAN Holdings and Enterprise Leasing Company-West.

12 Plaintiff's Complaint alleges negligence against all Defendants, negligent entrustment
13 against Defendants EAN Holdings LLC and Enterprise Leasing Company-West, and negligent
14 hiring, training supervision and retention against Defendant Sherwin Williams. The current
15 Scheduling Order was issued by the Court on February 13, 2025.

16 Plaintiff and Defendants have exchanged initial disclosures. Defendants Winters and
17 Sherwin Williams propounded requests for production of documents and interrogatories upon
18 Plaintiff and Defendants received Plaintiff's responses on May 8, 2025. Plaintiff's responses to
19 requests for production of documents and interrogatories disclosed additional medical records for
20 treatment Plaintiff received prior to the accident and disclosed additional medical providers that
21 provided treatment to Plaintiff for those pre-existing injuries that were allegedly aggravated by the
22 subject incident. The additional records disclosed by Plaintiff did not include all the pre-accident
23 treatment records from the additional providers identified by the Plaintiff.

24 Defendants are working to obtain medical records from these healthcare providers, but do
25 not have control over the timing of the production and will not receive the records in sufficient
26 time for Defendants' medical experts to review before the current expert deadline of June 13,

1 2025.

2 **II. BRIEF PROCEDURAL HISTORY**

3 Plaintiff's Complaint was originally filed on August 17, 2024, in the Eighth Judicial District
4 Court of Clark County, Nevada, Case No. A-24-892241-C. Defendants removed the case to this
5 Court on September 13, 2024. Defendants filed Answers to the Complaint on September 9, 2024.
6 The Joint Discovery Plan and Scheduling Order was entered on February 13, 2025. On or about
7 May 16, 2025, Mr. Seguin voluntarily filed for Chapter 7 bankruptcy relief. The Bankruptcy Trustee
8 is in the process of entering an appearance in this matter.

9 **III. DISCOVERY COMPLETED TO DATE**

10 1. A Rule 26(f) Case Conference was held on January 8, 2025, and the Court entered a
11 Discovery Plan/Scheduling Order on February 13, 2025.

12 2. Plaintiff served initial FRCP26(a)(1)(A) disclosures on February 19, 2025.

13 3. Defendants served initial FRCP 26(A)(1)(A) disclosures on March 4, 2025.

14 4. Defendants propounded their First Set of Interrogatories to Plaintiff on March 25,
15 2025.

16 5. Defendants propounded their First Set of Requests for Production of Documents to
17 Plaintiff on March 25, 2025.

18 6. Plaintiff responded to Defendants' First Set of Interrogatories to Plaintiff on May 6,
19 2025.

20 7. Plaintiff responded to Defendants' First Set of Requests for Production of
21 Documents to Plaintiff on May 6, 2025.

22 8. Plaintiff propounded his First Set of Requests for Production of Documents to both
23 Defendants The Sherwin-Williams Company and James Martin Winters, Jr. on May 28, 2025.

24 9. Plaintiff propounded his First Set of Requests for Admission to both Defendants The
25 Sherwin-Williams Company and James Martin Winters, Jr. The Sherwin-Williams Company and
26 James Martin Winters, Jr. on May 28, 2025.

10. Plaintiff propounded his First Set of Interrogatories to Defendants on May 28, 2025.

IV. **DISCOVERY THAT REMAINS TO BE COMPLETED**

1. Plaintiff's deposition, defendant Winters deposition, Defendant Sherwin-Williams deposition, percipient witness(es) deposition(s), Plaintiff's treating expert depositions, and the parties' expert depositions.

2. Collection and disclosure of additional medical records of Plaintiff including pre-accident medical treatment.

V. **REASONS WHY EXPERT DISCOVERY CANNOT BE COMPLETED IN THE TIME PROVIDED BY THE CURRENT SCHEDULING ORDER.**

A request to extend discovery deadlines must be supported by a showing of good cause. *See* Fed. R. Civ. P. 16(b)(4); Loc. R. 26-3. The good cause analysis turns on whether the subject deadlines cannot reasonably be met despite the exercise of diligence. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992); *see also CC.Mexicano US, LLC v. Aero II Aviation, Inc.*, 2015 WL10059063, at *2-3 (D. Nev. Dec. 5, 2015).

The parties stipulate to a 90-day continuance to provide a reasonable amount of additional time for Defendants to obtain additional information recently disclosed. Some of Plaintiff's injuries in this matter are potentially an aggravation to pre-existing injuries. In order to understand the extent of the Plaintiff's alleged injuries, and properly defend this case, Defendants seek to obtain these treatment records. Additionally, discovery will be more efficient if Defendants are able to collect these records prior to Plaintiff's deposition and prior to Defendants' expert being able to provide comprehensive opinions and complete an expert report. Currently, the deadline to disclose experts and exchange expert reports is June 13, 2025.

In addition, the parties were actively engaged in ongoing settlement discussions prior to learning of the filing of the Plaintiff's Bankruptcy petition. To continue settlement discussions, the Bankruptcy Trustee needs to be substituted in place of the Plaintiff in this action. The Parties have

also agreed to participate in a settlement conference in the near future. Additional time to complete settlement negotiations before spending further resources on expert witnesses could improve the chances of resolution.

Accordingly, good cause exists to extend the expert disclosure and discovery deadlines. A continuance of the current Scheduling Order will not prejudice any of the parties. This request is made in good faith, is not made for purposes of delay, and this is the first request for continuance.

VI. PROPOSED AMENDED SCHEDULING ORDER FOR REMAINING CASE DEADLINES

	CURRENT DEADLINE	PROPOSED NEW DEADLINE
Deadline to Amend Pleadings and Add Parties	May 15, 2025	August 13, 2025
Disclosure of Experts	June 13, 2025	September 11, 2025
Disclosure of Rebuttal Experts	July 14, 2025	October 13, 2025
Discovery Deadline	August 13, 2025	November 11, 2025
Dispositive Motion Deadline	September 12, 2025	December 11, 2025
Joint Pretrial Order	October 13, 2025	January 12, 2026

IT IS STIPULATED AND AGREED that the discovery deadlines are extended 90 days, as proposed in the chart above.

DATED this 10th day of June 25.

Dated this 10th day of June 25.

Respectfully Submitted By:

Approved to Form and Content By:

BROWN GREEN LLC

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Attorneys for Plaintiff

Attorneys for Defendants

DOUGLAS SEGUIN

JAMES WINTERS and SHERWIN WILLIAMS

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that discovery deadlines are continued as follows:

	CURRENT DEADLINE	PROPOSED NEW DEADLINE
Deadline to Amend Pleadings and Add Parties	May 15, 2025	August 13, 2025
Disclosure of Experts	June 13, 2025	September 11, 2025
Disclosure of Rebuttal Experts	July 14, 2025	October 13, 2025
Discovery Deadline	August 13, 2025	November 11, 2025
Dispositive Motion Deadline	September 12, 2025	December 11, 2025
Joint Pretrial Order	October 13, 2025	January 12, 2026

IT IS SO ORDERED.

DATE this 10th day of June 2025.


UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted By:

DATED this 10th day of June 2025

BROWNE GREEN, LLC

By: /s/ Jared Green
 Jared Green - #10059
 Brian Unguren – #14427
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 Las Vegas, Nevada 89135
 Attorneys for Defendants
 THE SHERWIN-WILLIAMS
 COMPANY and
 JAMES MARTIN WINTERS, JR.